



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of June 10, 2013

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#13-46 *People v. Lavender*, S209975. (D057655, D057686; Imperial County Superior Court; JCF21566.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case presents the following issue: Did the Court of Appeal err by reversing defendants' convictions for juror misconduct and remanding for a new trial rather than remanding for an evidentiary hearing into the misconduct?

#13-47 *People v. Stevens*, S209643. (B241356; 213 Cal.App.4th 1301; San Luis Obispo County Superior Court; F471357.) Petition for review after the Court of Appeal affirmed an order of commitment as a mentally disordered offender. The court limited review to the following issue: May an expert's testimony in support of a defendant's commitment under the Mentally Disordered Offender Act (Pen. Code § 2960 et seq.) that the defendant used force or violence in committing the commitment offense (Pen. Code § 2962, subd. (e)(P)) and that he received treatment for at least 90 days in the year before being paroled (Pen. Code § 2962, subd. (c)) be based entirely on hearsay?

#13-48 *Webb v. Special Electric Co., Inc.*, S209927. (B233189; 214 Cal.App.4th 595, mod. 214 Cal.App.4th 1386d; Los Angeles County Superior Court; BC436063.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Should a defendant that supplied raw asbestos to a manufacturer of products be found liable to the plaintiffs on a failure to warn theory? (2) Was the trial court's decision to treat defendant's pre-trial motions for nonsuit and for a directed verdict as a post-trial motion for judgment notwithstanding the verdict procedurally improper, and if so, was it sufficiently prejudicial to warrant reversal?

#13-49 *In re Alexander on Admission*, S209148. (Unpublished order; State Bar Ct. No. 11-M-12128.) Petition for writ of review after a State Bar Court recommendation for

admission to the State Bar of California. The court ordered briefing deferred pending decision in *In re Glass on Admission*, S196374 (#11-129), which presents the following issue: Considering the applicant's extensive misconduct, is there sufficient evidence of rehabilitation to support the State Bar Court recommendation that he be admitted to the practice of law?

#13-50 *Compton v. Superior Court*, S210261. (B236669; 214 Cal.App.4th 873; Los Angeles County Superior Court; BC448343.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court ordered briefing deferred pending decision in *Sanchez v. Valencia Holding Co. LLC*, S199119 (#12-33), which includes the following issue: Does the Federal Arbitration Act (9 U.S.C. § 2), as interpreted in *AT&T Mobility LLC v. Concepcion* (2011) 563 U. S. ___, 131 S.Ct. 1740, preempt state law rules invalidating mandatory arbitration provisions in a consumer contract as procedurally and substantively unconscionable?

#13-51 *People v. Ellis*, S209408. (A133343; 213 Cal.App.4th 1551; Alameda County Superior Court; CH50155.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Goldsmith*, S201443 (#12-44), which presents the following issue: Was photographic evidence obtained by use of a red light camera system properly admitted at trial in the absence of testimony from the contractor that installed the system?

DISPOSITIONS

Review in the following case was dismissed in light of *People v. Brown* (2012) 54 Cal.4th 314:

#10-91 *People v. Hopkins*, S183724.

The following case was transferred for reconsideration in light of *People v. Brown* (2012) 54 Cal.4th 314:

#11-37 *In re Kemp*, 191112.

The following case was transferred for reconsideration in light of *In re I.J.* (2013) 56 Cal.4th 766:

#13-28 *In re David R.*, S208475.

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